

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Enbridge Pipelines (Illinois), L.L.C.,)	
)	
Application Pursuant to Section 8-503, 8-509 and)	07-0446
15-401 of the Public Utilities Act/The Common)	Upon Reopening
Carrier by Pipelines Law to Construct and Operate)	
a Petroleum Pipeline and When Necessary to Take)	
Private Property As Provided by the Law of)	
Eminent Domain.)	

**PLIURA INTERVERNORS AMENDED
MOTION TO SUPPLEMENT THE 07-0446 RECORD BY
INCLUDING THE RECORD FROM 13-0446**

NOW COME the Intervenor herein who throughout these proceedings for convenience purposes have been identified as “Pliura Intervenor”, by and through their mutual counsel, Thomas J. Pliura, M.D., J.D., and respectfully move the Honorable Administrative Law Judge for an Order supplementing the Administrative Record herein by including the entire administrative record of the proceedings in ICC Docket 13-0446 as well as the entire Administrative Record from the 07-0446 proceedings prior to reopening. In support of said motion, Intervenor respectfully state:

1. The instant proceeding began as a petition for Certificate in Good Standing and request for Eminent Domain authority, docketed as 07-0446.
2. The Final Order in 07-0446 granted a certificate in good standing to construct, operate and maintain a 36-inch liquid petroleum pipeline to be operated as a common carrier. Eminent Domain authority was denied but with leave to seek such authority in a subsequent proceeding if necessary.

3. After a lengthy delay due to the “great recession” Applicant subsequently filed a new petition for Eminent Domain Authority to acquire the rights-of-way necessary to construct the 36-inch pipeline approved in the 07-0446 final order.
4. That application was approved and is presently on appeal.
5. Applicant then filed a motion to reopen the 07-0446 proceedings and motion to amend the Final Order to permit it to change the diameter of the approved pipeline from 36 inches to 24 inches to match its actual project plans. That matter, docketed as 07-0446 (reopened) is the instant proceeding and remains pending.
6. Irrespective of the outcome of the instant proceedings, an appeal is likely.
7. In order for the Appellate Court to have before it the full record of these proceedings and to understand the nature of these unusual, if not unprecedented proceedings before the Commission, it is necessary for the Record in the instant proceeding to include the entire record of administrative proceedings in 07-0446 and 13-0446.
8. It is particularly important for the record herein to include the following documents filed in 13-0446 so that the record is complete, the totality of proceedings is understandable, the interplay between the two cases is detailed, and that the material changes in the project between the 07-0446 original filing, the 13-0446 filing, the 13-0446 final order, and the current reopened proceedings are fully before the Commission and, if necessary, the Appellate Court.;
 - a. The Petition for eminent Domain Authority filed in 13-0446 on or about July 22, 2013 and attached hereto and incorporated herein as **Exhibit 1**;

- b. The Affidavit of John McKay, dated July 18, 2013, filed by Applicant in Support of the Petition for Eminent Domain Authority, attached hereto and incorporated herein as **Exhibit 2**;
- c. The Direct Testimony of John McKay, dated August 20, 2013, filed by Applicant in Support of the Petition for Eminent Domain Authority, attached hereto and incorporated herein as **Exhibit 3**;
- d. The Direct Testimony of Joseph Batis, dated August 20, 2013, filed by Applicant in Support of the Petition for Eminent Domain Authority, attached hereto and incorporated herein as **Exhibit 4**;
- e. An example of the numerous petitions to intervene filed by landowners against whom eminent domain authority was sought, attached hereto and incorporated herein as **Exhibit 5**;
- f. The Direct Testimony Pliura Intervenors, dated November 1, 2013, filed in opposition to the Petition for Eminent Domain Authority, attached hereto and incorporated herein as **Exhibit 6**;
- g. The Final Order entered April 29, 2014, attached hereto and incorporated herein as **Exhibit 7**;
- h. Pliura Intervenors' Brief on Exceptions, filed April 11, 2014, attached hereto and incorporated herein as **Exhibit 8**;
- i. Pliura Intervenors' Reply Brief on Exceptions, filed April 17, 2014, (the document that precipitated the current proceedings by revealing for the first time the applicant's alteration of the pipeline size, capacity and purpose) attached hereto and incorporated herein as **Exhibit 9**;

- j. Pliura Intervenors' Application for Rehearing, filed May 27, 2014, attached hereto and incorporated herein as **Exhibit 10**;
- k. Pliura Intervenors' Motion to Supplement Application for Rehearing, filed May 29, 2014, attached hereto and incorporated herein as **Exhibit 11**;
- l. Transcript of the June 11, 2014 Meeting of the Illinois Commerce Commission, attached hereto and incorporated herein as **Exhibit 12**; and
- m. Notice of Commission Action, dated June 12, 2014, denying Application for Rehearing, attached hereto and incorporated herein as **Exhibit 13**.

WHEREFORE, Pliura Intervenors respectfully pray for an Order supplementing the Administrative Record herein by including the entire administrative record of the proceedings in ICC Docket 13-0446 as well as the entire Administrative Record from the 07-0446 proceedings prior to reopening and specifically including the 13 documents from the 13-0446 record identified above and attached hereto.

Respectfully submitted this 10th Day of October, 2014.

s/THOMAS J. PLIURA, M.D., J.D.
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PROOF OF SERVICE

The undersigned certifies that on this 10th day of October, 2014 he served a copy of the foregoing document together upon the individuals on the attached service list, by electronic mail.

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